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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR
THE ELABORATION OF AN INTERNATIONAL CONVENTION
TO COMBAT DESERTIFICATION IN THOSE COUNTRIES
EXPERIENCING SERIOUS DROUGHT AND/OR
DESERTIFICATION, PARTICULARLY IN AFRICA
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Agenda item 2

PROCEDURES FOR COMMUNICATION OF INFORMATION AND REVIEW OF IMPLEMENTATION

Note by the Secretariat

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I. INTRODUCTION

1. At its sixth session, the INCD adopted a resolution on the organization and programme of work for the interim period (document A/AC.241/L.24). Paragraph 1 of that resolution gave Working Group II the responsibility to carry out preparatory work for the Conference of the Parties (COP) on the following item:

> "*Procedures for communication of information for the review of implementation of the Convention and its institutional arrangements.*"

2. Paragraph 4 of the same resolution requested the Secretariat to prepare documentation on this subject for the seventh session of the INCD. This note responds to that request by providing background and analysis to facilitate initial consideration of communication and review procedures. Section II summarizes provisions of the Convention relating directly or indirectly to the topic. Section III contains preliminary analyses of a number of issues that arise. Section IV, supplemented by the table in the Annex, briefly reviews the relevant practices of selected environmental conventions. Section V suggests some possible approaches to preparing for further consideration at the eighth session of the INCD.

3. Pending further guidance from the Committee, this note does not deal with the issue of the COP reviewing institutional arrangements. That subject might not need to be addressed at the first session of the COP, since the institutional arrangements in question will not be functioning until then.

II. PROVISIONS OF CONVENTION

4. The Convention contains extensive provisions relating to communication and review procedures. In summary, article 22, subparagraphs 2(a) and 2(b), sets the basic mandate of the COP to:

(a) regularly review the implementation of the Convention... in the light of the experience gained at the national, subregional, regional and international levels and on the basis of the evolution of scientific and technological knowledge;

(b) promote and facilitate the exchange of information on measures adopted by the Parties;

(c) determine the form and timetable for transmitting the information to be submitted pursuant to article 26; and

(d) review the reports and make recommendations on them.

5. Article 22, subparagraphs 2(d) and 2(h), are also relevant. They mandate the COP to review reports from subsidiary bodies and to utilize information from intergovernmental and non-governmental bodies. Article 23, subparagraphs 2(b) and 2(c), list the functions of the Permanent Secretariat as, *inter alia*:

(a) to compile and transmit reports submitted to it; and

(b) to facilitate assistance to affected developing country Parties, on request, particularly those in Africa, in the compilation and communication of required information.

6. Article 26 spells out the modalities of communicating information. It obligates each Party to send reports on implementation, through the Permanent Secretariat, to the COP, for consideration at its ordinary sessions, and to relevant subsidiary bodies. It also calls on the COP to facilitate, on request, the provision of financial and technical support to affected developing country Parties in compiling and communicating information. Finally, it details the nature of communications by different groups of countries as follows.

(a) All affected country Parties describe their strategies to combat desertification under Article 5 and provide relevant information on their implementation.

(b) Affected country Parties implementing action programmes provide a detailed description of the programmes and of their implementation.

(c) Groups of affected country Parties may make joint communications on measures at subregional and regional levels in the framework of action programmes.

(d) Developed country Parties report on measures, including the provision of financial resources, they are taking to assist in the preparation and implementation of action programmes.

7. Beyond these direct references to communication of information and review of implementation, the Convention contains other relevant provisions pointing to materials which might be useful in such an exercise.

(a) Article 10, subparagraph 2(g) requires countries preparing national action programmes to prepare progress reports on their implementation.

(b) Article 21, paragraph 5, reenforced by Article 14, paragraph 2 of the Regional Implementation Annex for Africa, charges the Global Mechanism to draw up an inventory of relevant bilateral and multilateral cooperation programmes and to provide interested Parties and organizations with information on funding patterns.

(c) Article 9, paragraph (d), of the African Annex commits affected African country Parties to establish indicators to assess and evaluate national action programmes. Similar provisions regarding indicators and benchmarks appear in article 4, subparagraph 1(f), of the Asian Annex and in article 5, paragraph (f), of the Northern Mediterranean Annex.

III. ISSUES TO BE CONSIDERED

A. Objectives and criteria

8. The successful implementation of the Convention will depend largely on the joint efforts of all Parties. Based on this premise, the primary objective of review procedure would be to share information and experience through which the Parties can together improve the effectiveness of implementation.

9. Working Group II might wish to discuss criteria used in assessing various options for designing a system of communication and review. The following are four examples of possible criteria:

(a) The system should allow the COP to assess effectively progress toward meeting the Convention's objectives and to recommend viable policies and programmes to further those objectives;

(b) The system should enhance and respect the basic thrust of the Convention, particularly its emphasis on a "bottom up" approach;

(c) The system should be transparent. Any Party, or interested organization, should have access to communications and to other review materials. To the extent possible, such materials should be in the public domain; and

(d) The system should be open to adaptation as circumstances change and experience is gained with its operation.

B. Communications from Parties

10. As Section II above indicates, communications from individual Parties would likely be the main resource for reviewing implementation. Joint communications regarding action by groups of Parties at the regional and subregional levels will, however, also play an important role. Presumably, the organizations that such groups designate as focal points for subregional and regional action programmes, or for other joint action, would communicate on behalf of the Parties involved. Most issues regarding joint communications parallel those for individual Party communications.

C. Other review materials

11. A variety of reports and analyses might form a basis for reviewing individual and joint communications from Parties. The following are some possibilities for consideration.

Permanent Secretariat compilations

12. Given the potentially high volume of communications, it would probably not be practical for the COP to review them *in toto*. There would therefore need to be some method for distilling them to manageable size. Permanent Secretariat compilations are a standard way of doing this. There are a number of possibilities for structuring such compilations. The Permanent Secretariat could,

for example, compile excerpts or summaries of communications. Alternatively, it could prepare a synthesis report describing trends in implementation.

Expert analysis

13. It would also be possible to commission analysis of communications by ad hoc groups of experts supported by the Permanent Secretariat.

Reports of subsidiary bodies

14. Both the Committee on Science and Technology (CST) and the Global Mechanism could potentially assist, as appropriate, with the process of reviewing implementation.

(a) Article 22 of the Convention requires the COP to conduct its reviews "on the basis of the evolution of scientific and technological knowledge." A report from the Committee on Science and Technology would be an obvious way to ensure appropriate input. The CST might also be requested to analyse other review materials and submit comments on their scientific and technological aspects to the COP.

(b) At a later stage, the INCD will consider the operational modalities of the Global Mechanism. It could facilitate the review process, for example in assembling, as part of its reports to the COP, information and data on financial flows and on patterns of assistance related to Convention implementation.

Reports of intergovernmental and non-governmental organizations

15. Article 22 of the Convention empowers the COP to utilize information provided by competent intergovernmental and non-governmental organizations at all levels to contribute to its review processes. In the case of intergovernmental organizations, this would be a natural follow-up to the reports that the INCD has requested on activities in support of the resolution on urgent action for Africa. There is also a case for contributions from non-governmental organizations (NGOs) because of the Convention's emphasis on popular participation and their role in preparing and implementing action programmes.

D. Guidelines for review materials

16. Guidelines could facilitate and simplify the review process. In particular, if properly framed and not overly detailed, they could make communications and reports easier to prepare, easier to synthesize and easier to digest. They need to be flexible enough, however, to accommodate the differing circumstances and capacities of Parties and organizations. Working Group II may wish to evaluate the desirability and feasibility of guidelines in the areas below.

Format and content

17. As indicated above, the Convention itself provides very general guidelines on the content of individual and joint communications from Parties. The COP might wish to amplify these guidelines to specify more precisely the categories of information to be communicated and the format for their presentation. It could also agree on guidelines for other review materials it decided to employ, such

as any reports from the Permanent Secretariat, subsidiary bodies, experts and organizations. Any such guidelines would have to be adapted on the basis of experience gained. They would also have to be tailored to three successive phases of the Convention's implementation, realizing that all Parties would probably not progress through the first two phases at the same time.

(a) In the first phase, communications would concentrate on activities related to preparing action programmes. Exchange of information on such activities, for example on participatory processes and partnership arrangements, would be beneficial to the Parties, as well as to competent intergovernmental and non-governmental organizations.

(b) In the middle phase, the content of action programmes would be the focus of attention. The Convention, particularly in the regional implementation annexes, already contains substantial guidance on the content of national, subregional and regional programmes.

(c) In the final phase, communications would deal with the implementation, evaluation and evolution of the programmes.

Reporting of relevant institutional information

18. In order to facilitate exchanges of information and informal contacts, both within and outside the review process, it might be desirable to have Parties and relevant organizations submit and update certain types of institutional information. The Permanent Secretariat would then incorporate such information in data bases and/or directories that would be widely available. Examples of institutional data include the names, addresses and phone numbers of national, subregional, regional and organizational focal points and coordinating bodies, the membership of national coordinating committees and lists of participants in consultative processes.

Requirement of summary

19. Summaries of communications and, depending on content, other review materials would improve readability. They would also enhance integration of communications into more general reports. Once Working Group II discusses the nature of review materials, it could consider the question of which ones would benefit from summarization.

Length limitations

20. Because of the Convention's depth of coverage, it would be difficult to specify precise length limitations for communications. The circumstances of Parties differ; the content of reports based on them is not predictable in advance. It might be possible, however, to decide on some general indications of length ranges. Length limitations on summaries would present fewer problems and are probably worthy of consideration, particularly since they might reduce expenses if translations were employed.

Utilization of quantitative material

21. Two types of statistical information might be particularly relevant to the review process. The first is indicators to assess action programmes and to

evaluate their implementation. The second is data on financial flows and assistance programmes supporting the implementation of action programmes. Both of these are complex areas fraught with conceptual problems. In each case, devising guidelines for the inclusion of data in communications and reports would involve considerable work by government experts and competent organizations. Such guidelines would not be relevant, however, until the phase of reporting on implementation of action programmes was reached.

E. Timing of communications

22. The timing of communications, both from individual Parties and from groups of Parties, will also play a key role in assuring the efficiency of the review process. Considerations in determining timing include its effect on the quality of communications and its impact on the volume of materials that the COP can feasibly review in a single session.

Frequency of communications

23. One element of timing concerns the frequency of communications. The interval between communications need not be the same for the categories of Parties identified in subparagraphs (a) to (d) of this note's paragraph 6. Similarly, it could vary for each of the review phases tentatively listed in subparagraphs (a) to (c) of paragraph 17. In this framework, communications could be submitted every year, every two years or even less frequently.

Rotation of communications

24. A second element is the possibility of rotating communications. This means that communications in the same category would be submitted on different schedules to even out the workload of the COP. For example, half of the affected country Parties could submit communications at a given COP session and the other half at the next session. In considering rotation, as well as frequency, of communications, article 22, paragraph 4, of the Convention should be taken into account. It determines that, unless the COP decides otherwise, the first four sessions of the COP will be held annually while later sessions will be scheduled every two years.

F. Modalities of review

25. Certain modalities of the review process will affect its efficiency. In particular, decisions on these details could have significant budgetary implications.

Language of communications

26. It is standard convention practice for Parties to submit communications in any of a COP's official languages. Working Group II might also wish to consider the possibility of communications in another official language being accompanied, if possible, by a French or English version. Several environmental conventions utilize a similar procedure, which reduces costs and facilitates the processing of communications.

Translation and distribution of review materials

27. Many review materials, for example reports from the Permanent Secretariat and subsidiary bodies, would be distributed as official documents of the COP in all its official languages. This may not be feasible, however, in the case of communications from Parties and reports from intergovernmental and non-governmental organizations. Since these materials would be relatively lengthy and numerous, it would be very costly to translate and distribute them in the normal fashion. In order to ensure transparency, it might be better to merely make them available on request in their original form and then synthesize them in some fashion. It would be less costly, but still expensive, to translate and distribute brief summaries if the COP decided to require them.

Assistance for developing country communications

28. The COP will need to consider how it and the Permanent Secretariat can, pursuant to article 23, subparagraph 2(c), and article 26, paragraph 7, of the Convention, facilitate assistance to developing countries, particularly those in Africa, in the compilation and communication of information. Examples of possible forms for such assistance include development of computer software for standardizing formats, help in the drafting of communications, translation of communications, or summaries thereof, and the services of consultants to help develop and organize quantitative material in them.

G. Products of review

29. There is no explicit provision in the Convention for giving wide public distribution to selected review materials. In the interest of transparency, the COP may wish to consider the distribution of review materials beyond participants in its sessions.

Published products

30. In this connection, one possible step would be publication of a periodic report summarizing the major conclusions of the review process. Such a report could be based on the deliberations of the COP, as well as on any synthesis reports from the Permanent Secretariat or from subsidiary bodies.

Electronic products

31. Other possible steps would be the posting to the INTERNET of selected review materials or their inclusion in a CD-ROM disk. Both of these alternatives would require relatively little effort and cost, assuming the materials were available in word processing format. The Secretariat is already working with the United Nations Environment Programme (UNEP) and the publishers of the Earth Negotiations Bulletin to post to the INTERNET the Convention itself (in several languages), INCD documents and other materials related to the Convention. Particularly as more developing countries gain greater and more affordable INTERNET access, using a similar approach for review materials is a promising method of publicizing Convention implementation.

H. Evolution of review system

32. The COP would not have to decide at its first session on all of the above issues as they relate to all of the three phases of implementation tentatively listed in this note's paragraph 17. The COP could, for example, if the INCD so decided, assess the status of action programme preparation, including the development of consultative processes, at its first session. It could then concentrate during several subsequent sessions on reviewing action programmes themselves, including partnership arrangements that may be associated with them. Under this type of scenario, the COP would not take decisions regarding the system for reviewing action programme implementation until it had experience with the nature of the programmes.

IV. PRACTICES OF RELATED CONVENTIONS

33. In selecting the above issues for consideration, and in analysing them, the Secretariat reviewed available documentation on the review systems that certain related conventions employ. It also consulted closely with secretariats located in the Geneva area. They included the secretariats of the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on Transboundary Movements of Hazardous Wastes and Their Disposal (the Basel Convention) and the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (the Ramsar Convention).

34. Given the vast differences in their subject matter, none of these conventions can provide a precise model for review of implementation of the Convention to Combat Desertification. Some of their review practices can, however, provide useful indications of directions the COP may wish to consider. To this end, the Annex contains a table briefly summarizing review practices under four of these conventions, abstracting as much as possible from their substance. Such a table obviously cannot do justice to the details of complex review processes so it should be regarded as indicative. The Secretariat can provide the INCD with more information on specific points if needed.

35. The Biodiversity Convention is not part of the compilation in the Annex because basic decisions on its review system will not be taken until the second session of its Conference of the Parties late in 1995. Article 26 of the Biodiversity Convention requires each Party to report at intervals on measures it has taken to implement that convention. Article 23 mandates the Conference of the Parties to establish the form and intervals for such communications and to consider them along with reports from subsidiary bodies. While the Biodiversity Convention does not specifically provide for it, the Global Environment Facility (GEF) assists developing countries in the preparation of communications required by that convention.

V. OPTIONS FOR FUTURE CONSIDERATION

36. The INCD will need to provide guidance to the Secretariat on preparations for discussion of this item in Working Group II at the eighth session of the Committee. If the Committee wished, the Secretariat could do some or all of the following at this or at a later stage:

(a) provide further information and analysis regarding specific issues of particular interest raised in Section IV, or on other issues that Working Group II identifies;

(b) compile the views of INCD members on these issues as evidenced by statements in Working Group II at the seventh session and/or by subsequent written submissions; and

(c) present a paper with the elements of a possible INCD recommendation to the COP, perhaps with options reflecting the views of INCD members.

ANNEX

PRACTICES OF RELATED CONVENTIONS
IN REVIEWING IMPLEMENTATION

Practices		Climate Change	Basel	CITES	Ramsar
OBJECTIVES OF REVIEW		Exchange of information to facilitate implementation	Assessment of convention's effectiveness in achieving goals	Assessment of compliance, with recommendations to countries	Exchange of information to determine priority areas for action
REVIEW MATERIALS					
1.	Nature of communications from individual Parties	Two basic reports with different content/timing for developed and developing country Parties	Basic reports plus special reports when conditions change or when COP requests them	Two basic reports plus special reports as conditions change	National reports to triennial sessions of COP
2.	Utilization of joint communications from Parties	Provided for in convention but none received to date	No specific provisions in convention	No specific provisions but some submissions	No specific provisions but regional reports routinely submitted
3.	Nature of secretariat compilation of communications	General overview of country reports	Summary of country reports	Report on national reports	Summary of national communications with comments
4.	Utilization of expert analysis of communications	Ten page reports by expert teams nominated by governments and international agencies, which also assist with secretariat synthesis	Experts assist with secretariat compilation when independent knowledge of technical matters required	If Secretariat requests information, party can initiate expert inquiry; panels of experts also review specific matters	No, technical staff of secretariat provides needed expert knowledge
5.	Utilization of reports of subsidiary bodies	Subsidiary bodies on implementation and science/ technology consider communications and report to COP	Ad hoc committee of COP reviews implementation and reports to COP	Standing, Plants and Animals Committees review communications and report to COP	COP requests special reports on implementation from Standing Committee and Science and Technology Review Panel
6.	Utilization of reports of inter-governmental organizations (IGOs)	No, but not precluded	Provisions for COP receiving reports from competent IGOs	No formal system (except for marine species) but Secretariat gets information from IGOs	Provisions for COP requesting reports and statistics from competent IGOs
7.	Utilization of reports of non-governmental organizations (NGOs)	No, but not precluded	Provisions for COP receiving reports from any competent NGO	Variety of NGO materials utilized by Secretariat/ summarized for COP	Provisions for COP requesting and receiving reports from competent NGOs

Practices		Climate Change	Basel	CITES	Ramsar
GUIDELINES FOR PARTIES' COMMUNICATIONS					
1.	Format and content	Flexible formats with precise guidelines on information to be included	Eight categories of information specified	Detailed formats and other guidance in COP resolutions	Detailed formats and guidance from Standing Committee and secretariat
2.	Reporting of relevant institutional information	Not as such	Annual report giving information on competent authorities and focal points	Information on country scientific and management authorities	List of relevant national authorities
3.	Length limitations	No limit	No limit	No limit	No limit
4.	Requirement of summary	Ten page summary required	No summary required	Summary of annual trade controls report required	No summary required
5.	Utilization of quantitative material	Comparable methodologies for key data	Form for providing data	Nature of statistics specified	Comparable statistics on listed wetlands
TIMING OF REVIEWS					
1.	Frequency of communications	Generally, 1st in 1994, 2d in 1997 (developed countries);1st in 1997 (developing countries	Annually, or when significant new developments occur	Every one or two years depending on information	Every three years and when significant changes in listed wetlands occur
2.	Rotation of communications	To be examined at later stage	No	No	No
MODALITIES OF REVIEW					
1.	Language of communications from Parties	In official UN language and if possible, English	In official UN language and, if possible, English	In one of 3 official convention languages	In one of 3 working languages of convention
2.	Official translation of communications from Parties	Summaries translated in official languages	No	No	No
3.	Distribution of communications from Parties and of other review materials	Wide distribution of communications and other review materials	Wide distribution of communications and other review materials	Communications on request; other materials distributed widely	Wide distribution of communications and other review materials
4.	Assistance for communications from developing country Parties	Yes, as priority of financing mechanism in GEF	Yes, from secretariat if requested	Yes, Secretariat puts trade statistics in required format if requested	No

Practices		Climate Change	Basel	CITES	Ramsar
PUBLIC PRODUCTS OF REVIEW					
1.	Publications	Published report, at interval to be decided, on implementation	Selected information published at request of COP	Reports of secretariat published	National reports published untranslated
2.	Electronic products	Key materials available on Internet and later on CD-ROM	Computer bulletin board service and computerized data bases available	Wide variety of computerized data bases resulting from country and other reports	Electronic products still in planning stage
EVOLUTION OF REVIEW SYSTEM		Designed to evolve over time	COP to consider evaluation report in September 1995	Overall evaluation currently underway	Designed to evolve over time